

QUERIES ARE ANSWERED

ATTORNEY-GENERAL BROWN INTERPRETS SECTION OF ACT.

Drug Stores Limited to Ethyl Alcohol and Sales Will Be Made at Peril of Seller.

With the approach of the first of the year when the new Oregon prohibition law will become operative, district attorneys throughout the state are receiving constant inquiries from citizens and organizations as to different provisions of the new law. Most of these have been referred to Attorney-General Brown, who has completed his replies to the queries. These have been combined into a single opinion, wherein the question asked is given first and the attorney-general's answer below.

The series of questions and answers which cover practically every phase of the prohibition law, follows:

"1. In the case of the owner and proprietor of a drug store who is not a druggist but employs a registered pharmacist to sell drugs, and dispense and compound prescriptions of medicinal practitioners, who must execute and file the \$250 bond provided for in section 2 of chapter 141, general laws of Oregon of 1915, before alcohol can be lawfully sold at the drug store?

"To this question my answer is that the bond must be executed and filed by a registered pharmacist. Section 5 of the prohibition act, provides that it shall be unlawful for any person to manufacture, sell or barter intoxicating liquor within the state, except as provided for in said act. Section 6 of said act provides that registered pharmacists may sell ethyl alcohol for medicinal, pharmaceutical, scientific and mechanical purposes, and for external use and application, only upon complying with the provisions of the act, and that before said pharmacist may sell ethyl alcohol he must file with the county clerk in the county in which he resides a bond running to the state of Oregon in the sum of \$250. The next paragraph of said section provides that the clerk shall then issue to the pharmacist two books of 50 affidavits each, upon the payment of \$2 for approving and filing said bond, and the sum of 50 cents for each book of affidavits.

"To my mind it is manifest that the bond must be given by the registered pharmacist, where the proprietor of the store is not authorized by the laws of Oregon to practice pharmacy.

"Second—If the proprietor in the above case insists on having a prescription filled prescribing alcohol in the case of the prescription having been written by a physician, who is at the time of writing the prescription a man of intemperate habits or addicted to the use of narcotic drugs, who of the two is guilty of violating the law?

"To this question our answer is that under the law of this state both would be guilty of an offense. The proprietor who directed the sale and the pharmacist who filled the prescription and made the sale are equally guilty.

"See section 2370, Lord's Oregon Laws, which reads as follows:

All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the crime, or aid and abet in its commission, though not present, are principals and to be tried and punished as such.

"Said section has recently been interpreted by our Supreme court in the case of the state vs. Geor, 71 Oregon 501, and in many prior cases.

"3. If the sale is made upon an affidavit to a person who did not know that the person to whom the sale was made was a person of intemperate habits, would ignorance of such habits be a defense?

"To this question our answer is in the negative. The pharmacist sells alcohol at his peril, and if he sells without knowledge of the person's habits, he takes his chances. Ignorance of such habits is not a lawful defense, but it is a matter that the court can properly consider in mitigation of the penalty to be inflicted. The Oregon Supreme court has held in many cases that in purely statutory crimes, unless there is incorporated into the legislation definition of the offense, the element of knowledge on the part of the defendant, the intent with which the act was done is not an ingredient of the offense, and that lack of knowledge on the part of the defendant is not a defense.

"4. From and after January 1, 1916, can a registered pharmacist fill a prescription for intoxicating liquor other than alcohol?

"To this question our answer is no. The law plainly provides that the only intoxicating liquor that can be sold by a registered pharmacist is ethyl alcohol for medicinal, pharmaceutical, scientific and scientific purposes.

"5. Is a prescription stating that the alcohol is required for medicinal use sufficient without any other specifications or directions for the use of the alcohol?

"This question we answer in the negative. The law provides that such prescription written by the physician must show on its face the purpose for which such alcohol is prescribed.

"Six—Can a physician administer intoxicating liquor to a patient, when the same is actually necessary as a

medicine in the treatment of disease?

"To this our answer is yes. The law provides that a physician in good standing in his profession and following the practice of medicine as a principal calling, may administer or provide for the administering of any intoxicating liquor to his patient when the same is actually necessary as a medicine in the termination of any disease or malady, but nothing in the prohibition act contained shall authorize the sale of such intoxicating liquor by the physician.

"I will add for your information that the prohibition law makes no provision for the physician obtaining intoxicating liquor other than alcohol, except in the last paragraph of section 12 of the said law, which provides that any person or family within this state may receive from any common carrier not more than two quarts of spirituous or vinous liquors, nor more than 24 quarts of malt liquors within a period of four successive weeks."

YOUNGSTER IS CLEVER FORGER

Curtis Tucker Passes Worthless Checks on Dallas Merchants.

Curtis Tucker, a sixteen-year-old lad of North Salem, was arrested by Salem authorities on Thursday and confessed to having passed worthless checks at Dallas, Falls City, Salem and Oregon City. The boy has been gaining from his illicit operations over a period of several months and was apprehended when he attempted to repeat the offense at a Salem store. Chief of Police Welsh of Salem worked a confession from the boy, who admitted that Dallas and Falls City merchants had lost in the forgery by which he gained a total of \$30.50. The checks issued by young Tucker were made out to Arthur Tucker and the fictitious name of C. S. Gibson was signed to them.

Tucker made good his escape from Dallas last week after passing a forged check at the Bee Hive store. The check that Mr. Fineth honored was made out to Arthur Tucker and signed, as were those passed elsewhere, by C. S. Gibson. The piece of paper cashed here brought the boy \$8.50. A half-brother of Curtis, William H. Porter, is in the Marion county jail, serving a term for larceny. Mrs. Ellen Tucker, the mother of the boys, is seriously ill at her North Salem home as a result of worrying about the depredations of her sons. Curtis Tucker has been turned over to juvenile court authorities.

LAND SHOW NEXT WEEK.

Mrs. Braden and J. E. French Work on Polk County Display.

The Manufacturers' and Land Products show opened to the public yesterday morning with a fine collection of products of the soil and factories of the state of Oregon. Polk county, the first to reserve space for a county exhibit, is well represented with her agricultural products and Mrs. Winnie Braden is now at Portland in charge of the booth. The big exhibition will continue until November 13, concluding on the night of that day with a gay celebration. Reduced rates have been granted on all railroad lines running into Portland and it is thought that the show will receive greater patronage than it ever has. Campaigns of education in connection with the show have been carried on throughout the state and an unlimited supply of money has been expended to make the venture a great success.

Eighteen days will be crowded full of special events, amusement features and attractions of a high order during the progress of the show. Every day will be a special day and visitors will find something of interest in the way of entertainment features on any day they should happen to visit the exposition.

FARMERS ARE JOYOUS.

Rain Relieves Troublesome Situation on Farms of County.

Joy has come to the farmers. It came over the week-end in the form of heavy rainstorms in almost every part of the county and the agriculturists are a busy body of toilers this week. The majority of the farmers have been almost afraid to try dry plowing in the continued dry spell that is said to be the longest known in this part of the valley for many years, and when their patience was almost exhausted waiting for rain along came the showers that redeemed the hardened earth and made it possible to plow. With the rain farmers resurrected long idle plow-shares and with genuine joy got down, at last, to the task of doing the fall plowing. Some of the less patient farmers despaired of seeing rain drops again and tried dry plowing. Especially where the tillers owned or could get tractors dry plowing was practiced. This has not been common heretofore and all are anxiously awaiting the first visible signs of its results. This week Polk county's vast fields present a lively spectacle with plows and farmers working overtime at a task that should have been completed many weeks ago.

Cash Paid for Bonds.

The Oswego-Portland Cement company has recently taken up the bonds held by Dallas parties, paying cash at par for the same. Other local people interested in the company were induced to accept stock for the bonds held by them. The re-organization of the company has now been perfected and operations are being carried on, both at the company's quarries and the plant at Oswego.

TERSE TALES OF TOWN

LOCAL NEWS OF DALLAS AND THIS NEIGHBORHOOD.

Personal Paragraphs Pertaining to People and Their Movements, Gleaned by Observer.

John Eakin, brother of Hort C. Eakin, is visiting here for a few weeks. Mr. Eakin is from Waco, Texas, and is making a pleasure tour on the coast, visiting the expositions and longing for the perpetual sunshine of his southern home. As long as brother John can keep his mind off the molasses and sweet potatoes that have made Texas famous, he will enjoy himself in Dallas.

J. Teuscher, Jr., traveling agent for the Boys' and Girls' Aid society of Oregon, was in the city on Friday. Mr. Teuscher returned to Portland with two unfortunate Polk county children, who will be given a home by the society.

Mrs. Ida L. Reed of St. Joseph, Mo., is visiting her sister, Mrs. F. K. Hull at the Hull Spring ranch.

Ray Grounds, who has been appointed a lecturer for the W. C. T. U., visited friends in Dallas last week, preparatory to taking up his work with the temperance forces.

Walter L. Toose, Jr., a graduate of the law school of the University of Michigan, attended the banquet of the alumni of that institution, held at the University club in Portland on Saturday evening. The alumni banquet is an annual affair and is an event of great interest to Michigan graduates who come from all parts of the state to join in the festivities.

Mrs. Ella J. Metzger, who was to have been a delegate to the convention of the State Federation of Woman's clubs at Salem this week, was called suddenly to McMinnville, where her mother is very sick.

George S. Sardan and wife of McMinnville were visitors to the city on Friday.

J. E. Hawkins of Corvallis transacted business in Dallas on Saturday. C. L. Hopkins of Falls City was in Dallas on Saturday.

E. M. Fankersley of Corvallis spent Saturday in Dallas.

Rudolph Autritt of the Salt Creek district was in the city Saturday.

Evans Viers motored to Portland, by way of Corvallis, on Saturday.

I. L. Patterson of Eola was in Dallas on Saturday to attend the joint meeting of the Polk and Marion county courts.

Mr. and Mrs. H. W. Lawrence will leave today for California, where they intend to spend the winter. After seeing the sights at San Francisco they will go to Panama and other California towns.

Miss Naomi Scott, who has been suffering with appendicitis, is recovering. It was at first thought that an operation would be necessary.

Mrs. U. S. Grant, who has been confined to her home by illness during the past three weeks, is slowly regaining her health.

The ladies of the Evangelical church will give a bazaar and serve refreshments at Dave Crider's store on Main street, between Mill and Oak on Wednesday, December 15.

Judge Wilson of Corvallis, who has been auditing the books and records of Polk county has completed the task as far as possible at this time and has gone to eastern Oregon to do similar of Polk county, has completed the task contract he is to audit the books from January 1 to December 31 and he will return later to do the remaining work.

SEEK LANDS FOR SUB-DIVIDING

Portland Capitalists Would Locate Belgians in Polk County.

Col. B. K. Lawson, former warden of the state penitentiary, now employed by a syndicate of Portland capitalists which has for its object the colonizing of Willamette valley lands by Belgians, was in Polk county a portion of last week seeking to purchase a large tract of land for the purpose, but has thus far failed to negotiate a deal. The colonist visited and inspected a 1000-acre tract in the vicinity of Buena Vista, but it did not meet with the requirements. Another large farm ten miles southwest of Airie was also inspected, but there is too much hill land in the tract to sub-divide advantageously. It is the purpose of the Portland people to secure at least one thousand acres of tillable land, not too far removed from transportation facilities, and sub-divide it into small tracts to suit the purchaser, who would be given opportunity to pay for the same on the installment plan, payments to be made annually from the profits accruing to the tillers. Mr. Lawson had negotiations for a 1200-acre farm in Lane county well closed, but at the last moment the owner concluded that there would be more money in it by holding, and the deal fell through. This brought him into Polk county, but from present prospects he will be unable to find here what the people he represents are desirous of securing.

Big Box Pears 50 Cents.

Pears for canning, eating etc. Phone the grower, South 151. 68-2t.

Prisoners Getting Exercise.

With several cords of the winter supply of wood at the side of the jail Sheriff Orr is finding exercise for the county prisoners this week. There are only three men left in the jail, but

these are getting in several hours' work each day, under the careful watch of the sheriff, and within a short time should have the wool all piled inside the building. But the sheriff has worries in connection with the labors of his charges. The period of crime that has just passed hangs as an ominous cloud over the sheriff's head and he contemplates with terror the day that the county jail is forced to house 12 or 15 prisoners. Then the wool will have to be carried to the yard again.

HOME CREDIT PLAN IS POPULAR

Perrydale School One of First to Become Standardized.

Practically the entire student body of the Perrydale public schools has taken up the home credit work and the outlook for the future is encouraging. Many good reports have come from the parents relative to the interest shown by the children in the home since this system was adopted. The school is one of the first to become standardized for the school year 1915-16. Many improvements have been made. In addition to a new building there are plans being made to erect a gymnasium during the year and subscriptions are being taken. The auditorium is now equipped with seats and can accommodate a large crowd. The school board has purchased the needed equipment to bring the high school up to the standard requirements for a four year high school.

The district has a lively Parent-Teachers' association, student body organization, industrial club, traveling library and will add a manual training department in a short time. The next meeting of the Parent-Teachers' association will be held on Thursday evening, November 4. Prof. Barr and Prof. Griffin of the Oregon Agricultural college will be present to give an illustrated lecture. The Palmer method of business writing, adopted in the school for the first time, is creating much interest and the students are quite enthused over the improvement. The improvement in general will make many other schools "sit up and take notice."

R. G. Dykstra, principal of the Perrydale schools, and formerly of Buena Vista, is taking hold of things at the school and is well established in the community. He has much praise to offer for the Perrydale people and for the teachers connected with him.

Polk County Farm Demanded.

A fifteen hundred dollar farm in Polk county is one of the property demands made by Julia Crump, who is suing Alexander Crump for divorce in Multnomah county. According to the woman's complaint they were married in January of this year and less than two weeks later a well-directed kick from her husband broke the wife's leg and formed the basis for a warrant that was issued for his arrest. Crump is still a fugitive from justice and his wife has despaired of apprehending and prosecuting him. Therefore the divorce complaint and the demand for all property and the resumption of her maiden name, T. Julia Hasse.

Linn Gets Grand Championship.

One of the Jersey cows exhibited by Frank Linn has won the grand championship prize at the Panama-Pacific exposition, according to word received here last week. Mr. Linn, one of Polk county's foremost stockmen, has several other fine animals exhibited and other Polk county ranchers have the selections of their herds on display. Mr. Linn's prize is the only one about which definite word has been received.

THE CITY IN BRIEF

Dr. Lowe Thursday and Friday.

Thursday, October 28, Dr. Freeze, the well-known eye specialist from Portland, will be at the Gail hotel all day. Consultation free. 66-3t.

Take your automobile repair work to C. J. Shreeve, Oak street. 64-tf.

The Sterling Furniture company frames pictures. 64-tf.

Drs. Lowe & Turner, eye specialists of Portland, will be in Falls City again Wednesday, October 27, at Falls City hotel.

For Fire and automobile insurance see Chas. Gregory, city hall 32-tf.

Dr. C. L. Foster, dentist, City Bank building, Dallas. 78-F.

See Van Orsdel and Manston for old line fire insurance—the Queen, Liverpool, London & Globe, company 13. The oldest and best on the coast.

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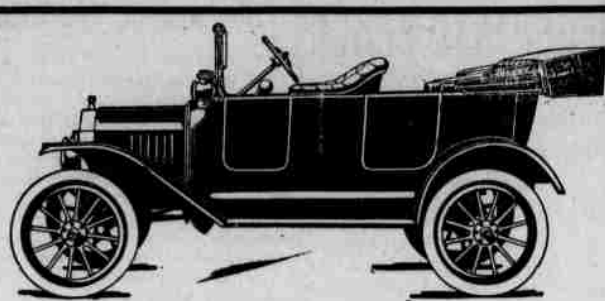
Dr. Rempel, Chiropractor, 512 Church Dr. Stone's Heave Drops cures heaves. Price \$1. for sale by all druggists.—Adv. 79-tf.

The Dallas Wood company is ready to furnish you with mill wood. Good loads and good service. All wood cash on delivery. Phone 492. 103-tf.

If you have land you wish surveyed see S. B. Taylor, C. E., city hall, Dallas, phone 791. Dependable work at reasonable prices. 58-tf.

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